

# CHAPTER 1

## INTRODUCTION

### Background

1.1 On 22 June 2006, the Senate referred the Customs Legislation Amendment (Modernising Import Controls and Other Measures) Bill 2006 (Bill) to the Senate Legal and Constitutional Legislation Committee for inquiry and report by 1 August 2006.

1.2 The Bill seeks to amend the *Customs Act 1901* (Customs Act) to:

- allow a person to surrender certain prohibited imports that have not been concealed;
- allow for the granting of post-importation permissions for certain prohibited imports;
- allow infringement notices to be served for certain offences including importing certain prohibited imports, and border security related offences; and
- amend the Customs Act to reflect new Certificate of Origin requirements for the Singapore-Australia Free Trade Agreement to allow importers to provide less documentation to Customs when claiming preferential rates of duty on imported goods.

### Conduct of the inquiry

1.3 The committee advertised the inquiry in *The Australian* newspaper on 27 June 2006 and 5 July 2006, and invited submissions by 10 July 2006. Details of the inquiry, the Bill, and associated documents were placed on the committee's website. The committee also wrote to 20 organisations and individuals.

1.4 The committee received two submissions, from the Australian Customs Service (Customs), and the Law Council of Australia (Law Council). Customs also provided the committee with a supplementary submission which addressed major issues raised by the Law Council in its submission. Chapter 3 of the committee's report examines the concerns raised by the Law Council, and includes Customs' response to these concerns.

1.5 Given the small number of submissions received for this inquiry, the committee resolved not to hold a public hearing and instead placed a significant number of questions on notice to Customs. However due to the large volume of questions, the time needed for Customs to prepare answers, and the short timeframe between the provision of answers and the reporting date, the committee has not had the opportunity to consider fully all the answers given. Accordingly, and to assist the Senate in its consideration of the Bill, Appendix 2 to the committee's report simply

presents the questions asked by the committee and the corresponding answers given by Customs.

1.6 Chapter 4 of the report contains the committee's view and recommendations.

### **Acknowledgement**

1.7 The committee thanks Customs and the Law Council for making submissions to its inquiry.

### **Note on references**

1.8 References in this report are to individual submissions as received by the committee, not to a bound volume.